

UNITED STATES BANKRUPTCY COURT

FILED

April 4, 2025

FOR THE MIDDLE

District of

PENNSYLVANIA

Clerk, U.S. Bankruptcy Court
Middle District of Pennsylvania
Wilkes-BarreIn re **Hericson Torres and Leigh Torres**

Debtor

Case No. **5:25-BK-00501-MJC**

(Complete if issued in an adversary proceeding)

Chapter **7**

Plaintiff

v.

Adv. Proc. No. _____

Defendant

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)To: **FREEDOM MORTGAGE CORPORATION**

(Name of person to whom the subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **SEE ATTACHMENT A TO SUBPEONA DUCES TECUM**

PLACE **UNITED STATES BANKRUPTCY COURT**
197 SOUTH MAIN STREET, WILKES-BARRE, PA 18701

DATE AND TIME
ON OR BEFORE APRIL 18, 2025

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE

DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk_____
Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)

Hericson Torres and Leigh Torres, who issues or requests this subpoena, are:**Hericson Torres. 325 Five Springs Rd, Stroudsburg, PA 18360. HERICSON888@GMAIL.COM. 347-566-4877****Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

ATTACHMENT A TO SUBPOENA DUCES TECUM

RECORDS DEMAND PURSUANT TO BORROWER-IN-CUSTODY PROGRAM

Legal Authority:

Pursuant to 12 USC § 248(g), the Federal Reserve Act (March 9, 1933), Federal Reserve Operating Circular No. 10 (OC-10), UCC Article 9, and established principles of agency law, the following documents must be produced without delay. The depository institution and Federal Reserve Bank serve as **custodians and agents of record** for the borrower and are legally obligated to maintain and provide access to these documents upon lawful request by the principal.

COMPLIANCE REQUIREMENT:

The recipient of this subpoena **MUST** produce ALL documents listed below within the time period specified.

If any document is **not produced**, you **MUST** provide a written certification containing:

1. The **specific reason** for non-production
 2. The **date, method, and content** of prior notification given to the borrower regarding the unavailability of the document
 3. The **name, title, and contact information** of the custodian who determined the record to be unavailable
-

DOCUMENTS TO BE PRODUCED:

1. **UCC-1 Financing Statement**
Filed with the Secretary of State identifying the borrower's promissory note as pledged collateral under the BIC program.
Authority: UCC § 9-310
2. **BIC Pledge Transmittal Form**
Identifying the specific loan by borrower name, loan number, and date of pledge.
Authority: OC-10 § 7, Federal Reserve Regulation A
3. **Original Promissory Note**
Including chain of custody documentation.
Authority: UCC § 3-501
4. **BIC Collateral Certification Form**
Demonstrating loan eligibility for Discount Window purposes.
Authority: Federal Reserve BIC Procedures, OC-10

Subpoena to Produce Documents, Information or Objects (Form B2570)
Bankruptcy Case # 5:25-BK-00501-MJC

5. Margin Calculation Worksheet

Showing overcollateralization ratio applied to borrower's collateral.

Authority: Federal Reserve Regulation A, § 201.108

6. Discount Window Transaction Record

Detailing amount, term, and date of credit extended against pledged collateral.

Authority: 12 CFR § 201.4(d)

7. ALLL Ledger Entry

Reflecting accounting treatment of the pledged note as asset or charge-off.

Authority: GAAP, 12 CFR § 208.127

8. IRS Form 1099-C or Equivalent

Documenting any cancellation or discharge of debt.

Authority: 26 USC § 6050P, Treasury Reg. § 1.6050P-1

9. Ledger Journal Entries

Showing conversion of promissory note from debt to asset or reserve account.

Authority: GAAP, 12 CFR § 217.32

10. Power of Attorney or Agency Agreement

Authorizing pledge of borrower's note on their behalf.

Authority: OC-10 § 12.3

11. Executed OC-10 Documents

Including:

- Letter of Agreement
- OC-10 Certificate
- Authorizing Resolutions
- Official Authorization List

Authority: Federal Reserve Lending Agreement Requirements

12. Audit Report or Verification Record

Confirming valuation and compliance with BIC standards on the pledged collateral.

Authority: 12 CFR § 208.24

13. Fund Disbursement Records

Including deposit records, account numbers, account names, and dates associated with the pledge proceeds.

Authority: Bank Secrecy Act, 31 CFR § 1020.320

14. Borrower's Written Authorization

For any funds deposited into an account not held in the name of the borrower.

Authority: UCC § 4-401

15. Collateral Release or Termination Documentation

If the pledge has been withdrawn, replaced, or terminated.

Authority: OC-10 § 9, UCC § 9-513

CERTIFICATION OF NON-PRIVILEGED STATUS:

The records demanded herein are **not privileged under state or federal law**. These documents arise from a contractual relationship wherein the **borrower is the principal**, and the depository institution and Federal Reserve operate as **agents and legal custodians**. Under **OC-10 § 12.3**

Subpoena to Produce Documents, Information or Objects (Form B2570)

Bankruptcy Case # 5:25-BK-00501-MJC

and **well-settled agency law**, all such records are the property of the borrower and must be surrendered upon request.

Failure to comply constitutes breach of fiduciary duty, obstruction, and violation of applicable banking statutes.

SERVICE ADDRESS & DEADLINE:

Documents shall be delivered to:

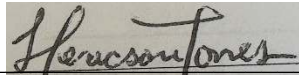
United States Bankruptcy Court at 197 South Main Street, Wilkes-Barre, PA 18701

Deadline for compliance:

April 18, 2025

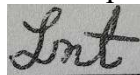
WHEREFORE, the Respondent's, Hericson Torres and Leigh Torres, *in propria persona*, respectfully request that this Court require Movant, KML Law Group, P.C. and Brock & Scott PLLC to produce all of the documents requested. The Respondent's further request any other relief that the Court deems just and proper.

Date: April 3, 2025



Respondent, Hericson Torres, *in propria persona*
325 Five Springs Road, Stroudsburg, PA 18360

Date: April 3, 2025



Respondent, Leigh Torres, *in propria persona*
325 Five Springs Road, Stroudsburg, PA 18360

Subpoena to Produce Documents, Information or Objects (Form B2570)
Bankruptcy Case # 5:25-BK-00501-MJC

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FREEDOM MORTGAGE CORPORATION
Debt Buyer and or Debt Collector
Movant

CERTIFICATION OF SERVICE

vs.

Case Number: 5:25-BK-00501-MJC
Case Filed: February 27, 2025

Hericson Torres and Leigh Torres
Record Owner
Respondent

X

CERTIFICATION OF SERVICE

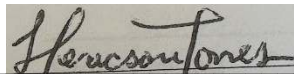
Respondent's, Hericson Torres and Leigh Torres, *in propria persona*, hereby certify that a true and correct copy of the documents in this filing were sent by e-mail to the following parties:

Distribution List

cc: Jill E. Durkin, Trustee at jilldurkinesq@gmail.com
cc: United States Trustee at ustpreion03.ha.ecf@usdoj.gov
cc: KML Law Group, P.C. at bkgroup@kmlawgroup.com
cc: Brock & Scott PLLC at matthew.fissel@brockandscott.com
cc: Stanley Middleman at stanleymiddleman@yahoo.com
cc: Stanley Middleman at stanley.middleman@freedommortgage.com

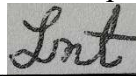
WHEREFORE, the Respondent's, Hericson Torres and Leigh Torres, *in propria persona*, respectfully request that this Court require Movant, KML Law Group, P.C. and Brock & Scott PLLC to produce all of the documents requested. The Respondent's further request any other relief that the Court deems just and proper.

Date: April 3, 2025



Respondent, Hericson Torres, *in propria persona*
325 Five Springs Road, Stroudsburg, PA 18360

Date: April 3, 2025



Respondent, Leigh Torres, *in propria persona*
325 Five Springs Road, Stroudsburg, PA 18360

RESPONDENT'S CAN BE CONTACTED VIA EMAIL AT HERICSON888@GMAIL.COM
OR BY CALL, TEXT OR VOICEMAIL AT 347-566-4877.

Case # 5:25-BK-00501-MJC: Subpoena Form B2570 and Attachment A

From 888 <hericson888@gmail.com>

Date Thu 4/3/2025 5:59 PM

To jilldurkinesq@gmail.com <jilldurkinesq@gmail.com>; ustpregion03.ha.ecf@usdoj.gov <ustpregion03.ha.ecf@usdoj.gov>; bkgroup@kmlawgroup.com <bkgroup@kmlawgroup.com>; matthew.fissel@brockandscott.com <matthew.fissel@brockandscott.com>; stanleymiddleman@yahoo.com <stanleymiddleman@yahoo.com>; stanley.middleman@freedommortgage.com <stanley.middleman@freedommortgage.com>; hericson888@gmail.com <hericson888@gmail.com>

 1 attachment (812 KB)

Subpoena Form B-2570 and Subpoena Duces Tecum Attachment A (4-3-2025).pdf;

See attached Subpoena Form B-2570 and Subpoena Duces Tecum Attachment A.

This Subpoena will be filed today.

If you have any questions, please respond to this e-mail or call 347-566-4877.

Thank you,

HERICSON

"Condemnation without investigation is the height of ignorance." — Albert Einstein